



Federal Communications Commission
Washington, D.C. 20554

February 14, 2006

Reference: CGB-CC-0203

First Baptist Church
Carl Riggins
P.O. Box 609
Fort Smith, AR 72902

Dear Mr. Riggins,

The Federal Communications Commission received the petition you filed on behalf of First Baptist Church ("First Baptist"), seeking an exemption from the closed captioning requirements for its program "Hope From Above" based on the undue burden standard set forth in the Commission's rules, at 47 C.F.R. § 79.1(f).

Without addressing the merits of your petition, we note that it is incomplete because, among other things, it does not disclose detailed information or documentation regarding finances and assets and does not explain reasonable alternatives to captioning, if any. Your petition must be supported by sufficient evidence to demonstrate that compliance would cause significant difficulty or expense. Also, your petition must be, but is not, supported by affidavit. Without this documentation, which is required under the Commission's rules, it is impossible for the Commission to determine whether First Baptist has sufficiently justified an exemption from the closed captioning requirements for its program "Hope From Above."

We request that you promptly supplement the petition with information that adequately documents and supports your request for exemption from the closed captioning requirements, and support it by affidavit. To assist you in supplementing your petition, enclosed is a copy of the Commission rule governing the filing and processing of petitions for exemption from the closed captioning requirements. Additional information also is available on the web at www.fcc.gov/cgb/dro/caption_exemptions.html.

Your petition states that you believe the local, non-news exemption applies to "Hope From Above." You appear to be referring to Section 79.1(d)(8), which exempts from the closed captioning rules "locally produced and distributed non-news programming with no repeat value." This exemption applies to "programming that is locally produced *by the video programming distributor*, has no repeat value, is of local public interest, is not news programming, and for which the 'electronic news room' technique of captioning is unavailable" (emphasis added). We note that this self-implementing exemption is a narrowly focused exemption available to programming produced *by video programming distributors*. Video programming distributor is defined in Section 79.1(a)(2) as follows: "Any television broadcast station licensed by the Commission and any multi-channel video programming distributor as defined in Section 76.1000(e) of the rules, and any other distributor of video programming for residential reception

that delivers such programming directly to the home and is subject to the jurisdiction of the Commission” (emphasis added).

Please note that your petition remains pending. Pursuant to the Commission’s rules, while your petition is pending before the Commission, the video programming that is the subject of the petition is considered exempt from the closed captioning requirements.

Please include the case identifier number **CGB-CC-0203** in all correspondence with the Commission regarding this matter. Please send an original and two copies of the supplementary material to

Amelia Brown, Disability Rights Office
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Please follow the directions found on the above website for mailing or delivering materials to the Commission. Any inquiries regarding this matter should be directed to Amelia Brown at (202) 418-2799 (voice), (202) 418-7804 (TTY), or Amelia.Brown@fcc.gov. Please refer to the case identifier number in any email correspondence or phone conversations with Commission staff.

Sincerely,

A handwritten signature in cursive script that reads "Amelia Brown".

Amelia Brown
Senior Attorney
Disability Rights Office
Consumer & Governmental
Affairs Bureau